

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRANDON LESTER

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vs.

CIVIL ACTION NO.  
7:15-CV-665

SMC TRANSPORT, LLC AND ISRAEL  
MARTINEZ, JR. AND SALINAS  
EXPRESS, LLC

ORAL AND VIDEOTAPED DEPOSITION  
RUDY SALINAS  
April 19, 2016

ORAL AND VIDEOTAPED DEPOSITION OF RUDY

SALINAS, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on April 19, 2016, from 12:58 a.m. to 4:05 p.m., before Annette E. Escobar, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of La Posada Hotel, La Posada Hotel, 1000 Zaragoza Street Laredo, The Blue Bonnet Conference Room, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

COPY

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25

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1 P-R-O-C-E-E-D-I-N-G-S

2 Whereupon,

3 9:23 a.m.

4 THE VIDEOGRAPHER: We're on the record.

5 Today's date is April the 19th of the year 2016. The time  
6 is approximately 12:58 at noon, and you may proceed with  
7 the deposition, please.

8 RUDY SALINAS,

9 having been first duly sworn, testified as follows:

10 EXAMINATION

11 BY MS. WHITE:

12 Q Hi, Mr. Salinas. My name is Johneal White and I  
13 represent a young man named Brandon Lester who was injured  
14 in a car accident on October 26th, 2015 and this lawsuit  
15 is as a result of that, involving Salinas Express, SMC  
16 Transport and Israel Martinez.

17 Can you just state your full name for the  
18 record?

19 A Rudy Salinas.

20 Q Mr. Salinas, this deposition today has been  
21 noticed under Rule 30(b)(6) of the Federal Rules of Civil  
22 Procedure which, do you understand it's to be the  
23 deposition of Salinas Express?

24 A Yes, ma'am.

25 Q And have you consented to be the representative

1 for Salinas Express?

2 A Yes, ma'am.

3 Q Have you had a chance to look at the deposition  
4 notice with all the categories?

5 A Yes, briefly. Yes.

6 Q And so my goal today is just to ask you what  
7 knowledge Salinas Express has about those categories, if  
8 any, and see what knowledge Salinas Express has.

9 If you don't understand one of my  
10 questions, feel free to tell me and I'll try to rephrase  
11 it, all right?

12 A Okay.

13 Q Have you ever given a deposition before?

14 A No, ma'am.

15 Q What is your current address?

16 A Physical or mailing?

17 Q Physical.

18 A It's 3327 South U.S. Highway 83, Zapata, Texas  
19 78076.

20 Q And how long have you lived there?

21 A All my life.

22 Q Who lives there with you?

23 A My parents.

24 Q What are their names?

25 A Ruben Salinas and Celia Salinas.

1 Q Sylvia Salinas?

2 A Celia.

3 Q C-E-L-I-A?

4 A Yes, ma'am.

5 Q Is that Ruben Salinas, Sr.?

6 A Yes.

7 Q Is there a Ruben Salinas, Jr.?

8 A Yes, ma'am, my brother.

9 Q Does Salinas Express have a facility that is  
10 separate from that address?

11 A Yes.

12 Q What is the address for the Salinas Express?

13 A My sister's house. She does all the paperwork.  
14 It's 240 Adela, Adela El, Zapata, Texas.

15 Q So that's her house?

16 A That's where she has all the paperwork. She has  
17 everything.

18 Q And is there a yard where Salinas Express keeps  
19 its vehicles?

20 A Yes, right next to my parent's house. It's one  
21 of my aunt's lots.

22 Q When was Salinas Express LLC formed?

23 A It was around April or May of 2014.

24 Q And who are the owners of it?

25 A Me and my sister, Sylvia Ramirez.

1 Q Are you guys 50-50?

2 A Yes.

3 MR. DUNN: I'm sorry. Would you spell your  
4 sister's first name?

5 THE WITNESS: S-Y-L-V-I-A.

6 Q (By Ms. White) Did you have any companies before  
7 that?

8 A Yes, ma'am.

9 Q What would that be?

10 A Salinas Trucking.

11 Q Was that a Texas company?

12 A Yeah, just Texas. It was for farming.

13 Q Is that still in existence?

14 A No. It's been more than, like, more than ten  
15 years ceased existence.

16 Q Before 2014 were you in the trucking business at  
17 all?

18 A Yes, ma'am.

19 Q And when I say you, I mean you personally?

20 A No, I mean I was a driver, that's what I used to  
21 do.

22 Q So you did not have any sort of trucking company  
23 before 2014?

24 A No.

25 MR. FRANKL: I know you want to get a lot



1 of background information, but that has nothing to do with  
2 what you've noticed him under the 30(b)(6). So if you  
3 would it relate to the Salinas Express entity, that would  
4 be greatly appreciated.

5 MS. WHITE: Okay. I just -- well, just for  
6 note: Category one was history of the company and  
7 predecessors or related organizations?

8 MR. FRANKL: You didn't ask that. You  
9 asked him what he did. You didn't ask if, if there is a  
10 corporate structure predecessor to Salinas Express in the  
11 trucking business; and that would be an appropriate  
12 question. But asking his personal history is outside the  
13 30(b)(6).

14 MR. SKAFF: Can we go off the record?

15 MR. DUNN: It's okay with me.

16 MR. FRANKL: Off the record.

17 THE VIDEOGRAPHER: The time is 1:04 in the  
18 afternoon and we are off the record.

19 THE VIDEOGRAPHER: We are back on the  
20 record. The time is 1:07 in the afternoon and you may  
21 continue with the deposition, please.

22 Q (By Ms. White) So you and your sister Sylvia are  
23 50-50 owners --

24 A Yes.

25 Q -- of Salinas Express?

1 A Yes, ma'am.

2 Q Did you have any involvement in any trucking  
3 companies prior to forming Salinas Express?

4 A Just the one I just told you about, like, more  
5 than ten years ago.

6 Q But that was farming?

7 A Yeah, that was farming.

8 Q I'm talking about any trucking companies?

9 A No.

10 Q What -- and Sylvia, does she have any experience  
11 with any trucking companies prior to forming Salinas  
12 Express?

13 A None. She's always been working as payroll.  
14 That's it.

15 Q And is that her role with the company currently?

16 A Yes, ma'am.

17 Q What is your role with the company?

18 A Dispatcher, safety.

19 Q Do you have an official title?

20 A Just manager.

21 Q Does she have a title?

22 A Manager also.

23 Q Do you currently -- does Salinas Express  
24 currently have any employees?

25 A We don't have no employees. Just contractors.

1 Q Has Salinas Express ever had any employees?

2 A No.

3 Q What about a young woman named Keesha Guerrero,  
4 has she ever worked --

5 A She was helping my sister out with some  
6 paperwork, just road taxes. That's about it. She doesn't  
7 work for us.

8 Q Do you know when that was that she helped your  
9 sister out?

10 A Every quarterly.

11 MR. DUNN: I'm sorry. What was the  
12 question, I didn't hear it? We got this noise in the  
13 background.

14 MS. WHITE: I believe the answer was --

15 MR. DUNN: No, what was the question?

16 MS. WHITE: The answer was, has Keesha  
17 Guerrero ever been an employee to Salinas Express?

18 MR. DUNN: Answer was no?

19 THE WITNESS: No.

20 MS. WHITE: Correct.

21 MR. FRANKL: I think the question was then  
22 she helps out with the paperwork and how often and he said  
23 quarterly.

24 MS. WHITE: Yes.

25 Q (By Ms. White) Does Salinas Express give all of

1 its drivers 1099s?

2 A Yes, ma'am.

3 Q Does Salinas Express currently own any tractors?

4 A One.

5 Q Which tractor is that?

6 A It's a 2008 Peterbilt.

7 Q And when did Salinas Express acquire that one?

8 A Probably three, four months ago, like four  
9 months more or less.

10 Q Who drives that one?

11 A Any of the contractors that I have. Right now  
12 it's broke down, so.

13 Q And it is titled in the name of Salinas Express?

14 A Yes, ma'am.

15 Q Did you have to finance it?

16 A Yes, ma'am.

17 Q Who's it financed with?

18 A IBC Bank.

19 Q Does Salinas Express have any trailers that it  
20 owns?

21 A Three trailers.

22 Q Three?

23 A Yes.

24 Q And when did it acquire those three trailers?

25 A It was about a year and a half ago.

1 Q Does Salinas Express have other tractors that it  
2 leases or borrows to complete its work?

3 A Yes.

4 Q How many?

5 A There are, like, right now it's, like, nine  
6 trucks.

7 Q Does that -- is that in addition to the one it  
8 owns?

9 A Yes, it's addition.

10 Q So ten trucks total?

11 A Yes.

12 Q Who are the owners of those?

13 A The owner operators.

14 Q Of the nine trucks?

15 A Yeah.

16 Q So the driver owns them?

17 A Some of them. I have guys that own two, three  
18 trucks and they have drivers on them. That's about it.

19 Q Do you understand that -- well, your brother is  
20 Roy Salinas?

21 A Yes.

22 Q And do you understand that we're here about an  
23 accident that happened October 26, 2015 in -- near  
24 Roanoke, Virginia?

25 A Yes, ma'am.

1 Q And do you understand that Roy's, I guess  
2 tractor Number 110 was broken down at the time?

3 A Yes, ma'am.

4 Q Who owns tractor 110?

5 A It's under my name, but it belongs to my dad.  
6 He's selling it to my brother.

7 Q So it's titled to you personally?

8 A Yeah, because I gave it to my dad as a gift but  
9 then he gave it to my brother, or he's selling it to my  
10 brother.

11 Q And when I say you personally, to Rudy Salinas?

12 A Yes.

13 Q Is it jointly titled with another company?

14 A No.

15 Q Suarez Brothers Towing?

16 A No.

17 Q Who is Suarez Brothers Towing?

18 A A company we used to work for probably, like,  
19 four years ago.

20 Q And Roy is in the process of paying you for  
21 the --

22 A Paying my dad.

23 Q Paying your dad. Is there any written lease  
24 governing --

25 A No, ma'am.

1 Q -- the use of that tractor?

2 A No.

3 MR. FRANKL: Let her finish her question  
4 before you answer.

5 THE WITNESS: Okay.

6 Q (By Ms. White) Is there any written purchase  
7 agreement governing that tractor?

8 A No.

9 Q How much did Roy agree to pay for it?

10 A That's between him and my dad. I don't know.

11 Q But he hasn't paid it off?

12 A No.

13 Q When did -- so you personally purchased the  
14 tractor 110?

15 A Yes.

16 Q When was that?

17 A I'd say more than 15 years ago.

18 Q And when did you give it to your dad?

19 A The exact date I wouldn't be able to tell you.

20 Q Do you know approximately?

21 A Like seven years ago, seven, eight years.

22 Q And you gave it to him as a gift?

23 A Yes.

24 Q And was that the tractor that you used between  
25 when you first purchased it and when you gave it to your

1 dad?

2 A I don't understand the question; what do you  
3 mean?

4 Q Who used the tractor when you first purchased  
5 it?

6 A I did.

7 Q And then did you use it consistently?

8 A No, it was parked like for two, three years.  
9 Didn't have a motor. I fixed it and then I gave it to my  
10 dad after that.

11 Q Then did he use it?

12 A Just there in farming.

13 Q Did you ever transfer the title to him?

14 A No.

15 Q What's the reason why not?

16 A He's my dad. I just didn't.

17 Q Who maintained insurance on the tractor after  
18 you gave it to your dad?

19 A Whoever he had it leased on to.

20 Q So he would lease on to different companies?

21 A Yes, ma'am.

22 Q Do you know when he agreed to sell it to Roy?

23 A Close to, I don't know, probably over a year  
24 ago. I don't know exactly the date.

25 Q And has Roy been consistently using it since



1 that time?

2 A Yes, ma'am.

3 Q And he only uses it for Salinas Express?

4 A He was leased on with other companies.

5 Q Oh, he used it for SMC?

6 A Yes.

7 Q When did Roy start working for Salinas Express?

8 A I don't know exactly the date. It was around  
9 September, somewhere around there.

10 Q 2015?

11 A Yes.

12 Q Did he ever do any work for Salinas Express  
13 before September 2015?

14 A No, ma'am.

15 Q Prior to that he worked for SMC?

16 A I wouldn't be able to tell you.

17 Q Since Roy started working for Salinas Express,  
18 he has not used the tractor in the business of any other  
19 company?

20 A No.

21 Q And you added him to your insurance policy in  
22 September 2014 -- 2015?

23 A Yes.

24 Q Was there a requirement -- have you always used  
25 the same insurance company for Salinas Express?

1 A Whoever gives me a better rate, I just change  
2 insurance.

3 Q When you first went into business as Salinas  
4 Express the insurance policy that you had at that time,  
5 was there a restriction that you could only insure up to  
6 five tractors in the first year?

7 A Yes, ma'am.

8 Q And after that first year, is that when Roy  
9 started coming to work for Salinas Express?

10 A Yes, ma'am.

11 Q And what is Roy's role with Salinas Express?

12 A Just a contractor.

13 Q Just a driver?

14 A Yes, ma'am, owner operator.

15 Q How does -- and the business of Salinas Express  
16 is shipping?

17 A Yes, ma'am.

18 Q Does the company do anything else?

19 A No.

20 Q So drivers are an integral part of Salinas  
21 Express business?

22 A Yes.

23 Q And without them there is no business?

24 A Yes.

25 Q How does Salinas Express pay its drivers?

1           A     Depends. If they're, they're in town, I give  
2     them cash or I give them direct deposit to their accounts.

3           Q     Cash, direct deposit to their bank account?

4           A     Yes.

5           Q     What about a physical check?

6           A     No, ma'am.

7           Q     Has Salinas Express ever paid a driver for work  
8     through, by physical check?

9           A     I don't know if my sister has done that or not  
10    at the beginning. I don't know.

11          Q     Did you talk with her about how she pays drivers  
12    in preparation for this deposition?

13          A     She always just transferred from one account  
14    to --.from our account to their account.

15          Q     So did you talk to her about how she pays  
16    drivers in preparation for this deposition?

17          A     No, ma'am, I didn't ask her.

18          Q     Does she keep or Salinas Express keep records of  
19    all its payments to drivers?

20          A     Yes, ma'am.

21          Q     How does it maintain those records?

22          A     She just writes down everything she pays  
23    everybody.

24          Q     Does she keep it in, like, a physical book or in  
25    a computer software program?

1 A A physical book.

2 Q And where is that located?

3 A 240 Adela E1.

4 Q Do you know how far it goes back?

5 A Since the company started.

6 Q And so would that physical book contain every  
7 payment to every driver?

8 A No. Sometimes I pay in cash with my own money.

9 Q Your own personal money?

10 A Yes.

11 Q Is that recorded anywhere?

12 A No, ma'am.

13 Q How is it determined the amount you will pay to  
14 a driver?

15 A By mile.

16 Q Is there a set rate?

17 A Yes, ma'am, 40 cents loaded, 25 empty.

18 Q Is that the same for every driver?

19 A Yes, ma'am.

20 Q So they don't negotiate that rate at all?

21 A No.

22 Q Who is currently driving for Salinas Express?

23 A There are, like, nine drivers, ten drivers, more  
24 or less.

25 Q Do you know the names?

1 A Not off the top of my head.

2 Q Do you know any of their names?

3 A Yeah. Myself, Roy, Ricky Lopez, Ruben Salinas  
4 Jr., Tony Sanchez, Roel Lozano, Eduardo Lozano, Leobardo  
5 Garza.

6 Q What was the first name?

7 A Leobardo. That's Leo. We call him Leo.

8 Q Garza?

9 A Yes. Carlos Flores, Luis Garza. Those are the  
10 ones I can think about right now.

11 Q Who generally drives the tractor that Salinas  
12 Express owns?

13 A My brother Ruben Salinas, Jr.

14 Q Does Eddie Lozano drive a 2000 Peterbilt?

15 A Yes.

16 Q Who drives the 2005 Volvo?

17 A That's Roy Lozano.

18 Q Is he related to Eduardo?

19 A Brothers.

20 Q And who drives the 2001 Peterbilt?

21 A I'm sorry. Eduardo drives a 2001. A 2000,  
22 that's like a owner operator.

23 Q Who's that?

24 A That's my brother Ruben Salinas, Jr., but it's  
25 without a motor right now.

1 Q And who drives the 1997 Peterbilt?

2 A 1997, that was Ruben Hernandez, but he just quit  
3 last week, so nobody right now.

4 Q Did he own that one?

5 A No, my sister.

6 Q Sylvia?

7 A Yes.

8 Q How does Salinas Express pay for fuel?

9 A T-checks. Sometimes I deposit into their  
10 accounts money for fuel.

11 Q How does the T-check work?

12 A The broker company gives me an express code, I  
13 just give them to the drivers, and that's it.

14 Q So the brokerage company gives you a code and  
15 you just send it to the drivers?

16 A Yes, ma'am.

17 Q And then whose account does it go on, the  
18 brokerage company?

19 A I guess, I don't really know.

20 Q Does Salinas Express pay a bill for the fuel  
21 when you get a T-check?

22 A They just -- they just subtract it from the  
23 confirmation sheet what they're paying for the load.

24 Q And is there a certain company that provides  
25 this service?

1 A C.H. Robinson.

2 Q C.H. Robinson is the broker?

3 A Yes.

4 Q And they transmit the T-check code to you?

5 A Yes.

6 Q Do you use any other brokers?

7 A Warner Enterprises.

8 Q Do they do the T-check also?

9 A No, they deposit within 24 hours to my account,  
10 and that's when I transfer from -- my sister transfers  
11 from company account to the owner operator.

12 Q And is there another kind of check, a Comcheck?

13 A I don't use those.

14 Q Have you ever used those?

15 A No, ma'am.

16 Q Besides C.H. Robinson and Warner, are there any  
17 other brokers that you use?

18 A Not right now.

19 Q Are there any that you used in the past?

20 A No, ma'am.

21 Q Who's the point of contact within Salinas  
22 Express for C.H. Robinson?

23 A I am.

24 Q Are you also the point of contact for Warner?

25 A Yes, ma'am.

1 Q Are you the person in Salinas Express who  
2 assigns work?

3 A Yes, ma'am.

4 Q How does that work, do you have a system?

5 A Whoever wants to go out I look for a load for  
6 them and I give them a load.

7 Q So there's no priority or anything?

8 A No.

9 Q Does Salinas Express have any company credit  
10 cards?

11 A Just a debit card.

12 Q And do you know what bank that is with?

13 A IBC.

14 Q And is that where all the Salinas Express  
15 accounts are held?

16 A Yes, ma'am.

17 Q But that's IBC Bank?

18 A It's International Bank of Commerce, IBC.

19 Q When a driver is hauling a load for Salinas  
20 Express, do they have to meet certain deadlines?

21 A Depends if they have an appointment where  
22 they're going, I mean.

23 Q So generally, do you get the deadlines from the  
24 brokerage company?

25 A Yes, ma'am.



1 Q And the brokerage company pays Salinas Express  
2 after the load is delivered?

3 A Within 48 hours after it's delivered.

4 Q And then do you, in turn, pay the driver?

5 A Yes, I pay the owner operators.

6 Q I'm sorry?

7 A Yes, I pay the owner operators or the drivers.

8 Q Does Salinas Express keep a certain percentage?

9 A Seven percent.

10 Q Seven. Is that the same for every load?

11 A Yes.

12 Q Does Salinas Express expect that its drivers  
13 will deliver the loads on time?

14 A Yes, ma'am.

15 Q Is there ever any disciplinary action if they do  
16 not?

17 A I mean, it's usually when a truck breaks down,  
18 so I mean, but they're always on time.

19 Q Has Salinas Express ever taken any disciplinary  
20 action against a driver if they didn't deliver the load on  
21 time?

22 A No, ma'am.

23 Q Who sets the route to be taken?

24 A Whatever route they want to take.

25 Q So you leave it up to the driver?

1 A Yes.

2 Q Does Salinas Express pay for any other expenses  
3 for the tractors besides fuel?

4 A Maybe repairs, sometimes. Depends.

5 Q Who does the repairs?

6 A Several mechanics. I mean, whoever the owner  
7 operator wants to take them to.

8 Q And sometimes Salinas Express will pay for that?

9 A Well, we lend them the money to fix it and then  
10 we'll take it off of their paycheck.

11 Q Where do you generally send them, do you have  
12 certain shops?

13 A Wherever they want to go.

14 Q Is there a place in the Valley?

15 A Where I take my truck I take it to the Valley.

16 Q And when you say your truck --

17 A Yes.

18 Q -- what do you mean?

19 A The one Eddie drives.

20 Q So that's owned by you personally?

21 A Yes. Yes.

22 Q And so do you pay for the maintenance on that?

23 A Yes.

24 Q Does Salinas Express pay for the maintenance on  
25 any other trucks?

1 A Just the 2008 Peterbilt.

2 Q The one that it owns directly?

3 A Yes.

4 Q So besides the one that Eddie drives and the one  
5 that Roy drives that is titled to you, are there any other  
6 vehicles titled to you personally that Salinas Express  
7 uses?

8 A No, that's it.

9 Q And then one is titled personally to Sylvia?

10 A Yes.

11 Q Is that just one that's titled to her  
12 personally?

13 A Yes.

14 Q Do you call your drivers everyday to check in  
15 with them to see where they're at?

16 A They call me.

17 Q Is that a requirement they call you everyday?

18 A Yes.

19 MR. DUNN: Just for clarification, only  
20 when they're under dispatch, is that what you're asking?

21 Q (By Ms. White) Well, what is the requirement of  
22 Salinas Express?

23 A Whenever they're on a load they call me between  
24 8:00 and 10:00.

25 Q A.m.?

1 A Yes.

2 Q And is that a written policy anywhere?

3 A I just let them know.

4 Q Does Salinas Express have a written employment  
5 manual?

6 A Yes, ma'am.

7 Q It does? Is that something every driver is  
8 given?

9 A I don't know. That's my sister's work, job.

10 Q And so is that something you would possess a  
11 copy of or your sister would possess a copy of?

12 A Yes.

13 Q Do you know when that was created?

14 A I don't know the exact date.

15 Q Do you know, was it created in the beginning  
16 when you first formed Salinas Express?

17 A Probably a few months after.

18 Q After you created Salinas Express?

19 A Yes.

20 Q So besides having them call you everyday between  
21 8:00 and 10:00 a.m., is there any other way you keep track  
22 of drivers?

23 A Sometimes they text me when they're parked for  
24 the night.

25 Q Any other way that you keep track of them?

1 A No.

2 Q Who within Salinas Express is responsible for  
3 obtaining insurance on vehicles?

4 A I am.

5 Q And has Salinas Express filed tax returns since  
6 it's been in existence?

7 A Yes, ma'am.

8 Q Who's responsible for preparing the taxes?

9 A CPA.

10 Q Who is that?

11 A It's Danny Flores.

12 Q Where is he located?

13 A But he works under Eddie Martinez.

14 Q Where are they located?

15 A Zapata, Texas.

16 Q And have you always used them?

17 A Yes, ma'am.

18 MR. FRANKL: What was Danny's last name?

19 THE WITNESS: Flores.

20 Q (By Ms. White) Do you know Israel Martinez?

21 A Yes.

22 Q Is he currently an employee of Salinas Express?

23 A No, ma'am.

24 Q Has he ever been?

25 A Yes, in January.

1 Q January 2016?

2 A Yes.

3 Q Before January 2016 did he ever do any driving  
4 for Salinas Express?

5 A He helped me out probably like three, four times  
6 when I was in a bind.

7 Q No more than four times?

8 A No.

9 Q When you say -- what did he do when he helped  
10 you out three, four times?

11 A Whenever a driver, like, didn't come to work he  
12 would help me out and go deliver a load and come back.  
13 Stuff like that.

14 Q Where were places Israel Martinez delivered a  
15 load?

16 A One time he went with me to Georgia.

17 Q When was that?

18 A I don't know the exact date.

19 Q Was it before October?

20 A It was a month before the accident, probably  
21 like a month before.

22 Q Anywhere else?

23 A He went to Tennessee. That's all I can remember  
24 right now.

25 Q Did he ever go to Winchester?

1           A     He was going on a load when I hired him in  
2     January.

3           Q     Before that had he ever been to Winchester?

4           A     No.

5           Q     Had he ever been to Winchester for anyone else?

6           A     I don't know.

7           Q     Did you have him fill out an employment  
8     application?

9           A     Yes, ma'am.

10          Q     When did he fill that out?

11          A     In January.

12          Q     2015?

13          A     Yes.

14          Q     If he says it was June or July 2015, is he  
15     mistaken?

16          A     I sent him to a drug test in June or July.

17          Q     Of 2015?

18          A     Yes, ma'am.

19          Q     What was the purpose of that?

20          A     Because I was fixing a truck and left it with  
21     the mechanic and I was waiting for it to be ready so he  
22     could drive it. They took longer than what I thought.

23          Q     What truck?

24          A     It was a '96 Peterbilt.

25          Q     Did it get repaired?

1 A In January it was repaired.

2 Q Who repaired it?

3 A Mechanic in the Valley.

4 Q Who?

5 A Adrian Quintanilla.

6 Q You have to spell that one.

7 A Adrian, Adrian.

8 Q Adrian?

9 A Last name Quintanilla, Q-U-I-N-T-A-N-I-L-L-A.

10 Q Does he have a particular business or just he

11 does --

12 A He's a mechanic.

13 Q And is he associated with a particular company

14 or --

15 A No, he just does mechanic for everybody.

16 Q Does he have his own shop?

17 A Yes.

18 Q And when you say in the Valley, is it in the

19 McAllen or?

20 A Donna, Texas.

21 Q Donna?

22 A Yes.

23 Q And is his shop just at a house?

24 A No, I think he has a shop outside the house.

25 Q Do you know the address?



1 A No, ma'am.

2 Q And the three or four times that Israel helped  
3 you out before he became an official employee in  
4 January 2016 (sic) was that all before this accident in  
5 October?

6 MR. HEARN: Object to form.

7 MR. FRANKL: I was going to say form too.  
8 He was owner operator, not an official employee.

9 MR. HEARN: Also, I don't know what an  
10 official employee is, so to that extent I'll object, but  
11 go ahead.

12 Q (By Ms. White) The three or four times that  
13 Israel helped you out as you've testified, was that all  
14 before October 2015?

15 A Yes.

16 Q And was he paid --

17 A Yes.

18 Q -- for that? How was he paid?

19 A Cash.

20 Q Are those payments recorded anywhere?

21 A No, ma'am.

22 Q Did he keep logs for those trips?

23 A He never turned them in.

24 Q Has Israel Martinez ever turned any logs in to  
25 you?

1 A No, ma'am.

2 Q Have you ever seen any logs that Israel Martinez  
3 has ever filled out?

4 A No, ma'am.

5 Q Has he ever asked you for any logs?

6 A I give him logs.

7 Q When did you give him logs?

8 A In January.

9 Q Has he ever asked you for any logs that he may  
10 have completed?

11 A No.

12 Q Like copies of them back?

13 A No.

14 Q Did you give him logs for the three to four  
15 times that he helped you out before the accident?

16 A No, ma'am. He provided his own logs.

17 Q Had he ever been a long haul trucker before he  
18 started helping you out?

19 A Not that I'm aware of.

20 Q The three to four times that he helped you out,  
21 did he drive by himself?

22 A One of the times he did when we were going to  
23 Georgia. He was following -- I was in one truck and he  
24 was following me in the other one.

25 Q Which truck did he drive?

1 A I think it was 110.

2 Q Had you pulled his driving record before that?

3 A Yes, ma'am.

4 Q Do you have a copy of his driving record  
5 anywhere?

6 A Yes, ma'am.

7 Q Did you talk to him about his experience in  
8 truck driving before those three or four times that he  
9 helped you out?

10 A Yes, ma'am.

11 Q What did he tell you his experience in truck  
12 driving was?

13 A He had been driving for more than three years.

14 Q But did he ever drive over the road long haul  
15 trucking?

16 A No.

17 Q Was he familiar with the requirements of keeping  
18 a log?

19 A Yes.

20 Q No one had to explain it, how to fill them out?

21 A No.

22 Q You did not explain to him how to fill them out?

23 A I mean, I explained it but he already knew.

24 Q What did you tell him the requirements were?

25 A That's what DOT regulation, you can't drive more

1     than eight hours and you need half an hour break, and you  
2     can't drive more than eleven hours a day.

3           Q     And did you tell him that he needed to keep  
4     copies of his own logs?

5           A     Yes, ma'am.

6           Q     Does Salinas Express keep copies of any driver's  
7     logs?

8           A     Yes, ma'am.

9           Q     What is Salinas Express's policy with regard to  
10    retention of logs?

11          A     After six months we throw them away.

12          Q     So you keep all of them for all drivers?

13          A     Yes.

14          Q     And then you throw them away after six months?

15          A     Yes.

16          Q     So at any time did Salinas Express possess any  
17    logs filled out by Israel Martinez?

18          A     No, ma'am.

19          Q     Did you ever ask him to turn in his logs?

20          A     Yes, he always says I'll turn them in next time.

21          Q     So do you know for a fact that he was keeping  
22    them?

23          A     I mean, we would pick him up from the house. I  
24    would see him do it when we start driving.

25          Q     But you -- did Salinas Express ever check to

1 verify that he was doing it correctly?

2 A He never turned them in.

3 Q So --

4 A I never checked. I never saw them.

5 Q Besides tractor 110, what other tractors did  
6 Israel Martinez drive?

7 A He drove a 2005 Volvo.

8 Q Is that the one owned by --

9 A It's owned by my sister-in-law.

10 Q What's her name?

11 A Monica Mendoza.

12 Q Any others?

13 A No, ma'am.

14 Q Does Salinas Express ever pay for any lodging or  
15 anything like that for its drivers?

16 A No, ma'am.

17 Q Did Israel Martinez ever drive with you as a  
18 codriver?

19 A No.

20 Q You never drove with him to check out his  
21 ability to drive a truck?

22 A Before, yeah, took him for a little road test.

23 Q Where did you guys go?

24 A Just around Zapata.

25 Q Did you ever drive -- so you never drove to

1 Winchester with Israel Martinez?

2 A No, ma'am.

3 Q And did you ever drive to Colorado with Israel  
4 Martinez?

5 A No, ma'am.

6 Q Does Salinas Express have a policy with regard  
7 to accidents?

8 A Yes, like, I'm not aware -- I mean, I don't know  
9 to be honest.

10 Q Do you guys have any sort of forms you fill out  
11 with regards to accidents?

12 A I don't know, ma'am.

13 Q Have you ever seen such a form?

14 A No.

15 Q Have you ever requested a driver fill out such a  
16 form?

17 A No.

18 Q When did you request Israel's driving record?

19 A I don't remember the exact date.

20 Q How did you request it?

21 A The MVR online.

22 Q So you filled out an online form?

23 A My sister did it.

24 Q The Texas DMV sent you a copy?

25 A Yes.

1 Q Is that something you retain in your files?

2 A Yes, ma'am.

3 Q Why did you send him for a drug test in July?

4 A So he can be ready when the truck was ready.

5 Q But the truck wasn't ready until January?

6 A Yes, ma'am.

7 Q Did he do any work for you around the Salinas  
8 yard before the accident?

9 A He helped me, like, once or twice, wash the  
10 trucks, stuff like that.

11 Q Did you pay for that?

12 A Yes.

13 Q Besides the preemployment drug testing, does  
14 Salinas Express have any policy for drug testing?

15 A Yes, we do random drug testing.

16 Q And where do you have those done?

17 A Laredo Examiners.

18 Q There was no written lease for tractor 110?

19 A No, ma'am.

20 Q Why not?

21 A Because it's under my name.

22 Q So you understood that the tractor 110 was  
23 titled to you personally?

24 A Yes.

25 Q Therefore, you didn't see a need for a written

1 lease?

2 A Yes.

3 Q Salinas Express does have other written leases  
4 filed with the Texas DMV?

5 A Yes.

6 Q Do you know what Roy Salinas was doing when his  
7 truck broke down?

8 A He was pulling a load from, I think it was  
9 Maryland, going to Laredo.

10 Q And do you know what he was pulling?

11 A I don't know exactly the contents of it.

12 Q Do you know where he picked it up?

13 A I know it was Maryland, but I don't know exactly  
14 the town.

15 Q Chester Town?

16 A Probably somewhere around there.

17 Q Do you know where he had been prior to that?

18 A I need to check my records. Not off the top of  
19 my head.

20 Q Do you think you have records of it?

21 A Yeah, I should.

22 Q And I think he dropped, or he picked up his load  
23 in Chester Town on October 20th?

24 A I don't know the exact date.

25 (Exhibit marked for identification as



Deposition Exhibit Number 9.)

Q Take a look at Exhibit 9.

A Yes.

Q And is that the load that Roy was hauling back to Laredo?

A Yes, ma'am.

Q And so he picked it up on October 20th?

A Yes, ma'am.

Q And then he started heading back to Texas going through Virginia?

A Yes, ma'am.

Q When did you learn that he had been having problems with tractor 110?

A I don't know the exact date, but he called me that he had broken down.

Q And do you know where he was when he called you?

A Virginia, that's all I knew at the time.

Q Do you know if Eddie was with him at the time or not?

A He was behind him, I don't know if following close by or couple of miles back. I don't know. I know if he picked him up on the way down.

Q Do you know, had he already left his truck at the rest area when he called you?

A I don't know. I don't remember.

1 Q And did he call you on your cell phone?

2 A Yes.

3 Q Where were you at the time?

4 A I was out of town.

5 Q Where were you?

6 A Corpus Christi.

7 Q What was the phone number that he called you on?

8 A My phone number?

9 Q Yes?

10 A 956-269-1420.

11 Q 269-1420, and is that AT&T?

12 A Yes, ma'am.

13 Q So he calls you and says he's broken down, and  
14 did you guys talk about what to do next?

15 MR. FRANKL: Objection to the form.

16 Q (By Ms. White) Did he call you and tell you he  
17 had been broken down?

18 A Yes.

19 Q Did you guys discuss what to do next?

20 A No, ma'am.

21 Q Did you have any other discussion besides him  
22 informing you that he'd broken down?

23 A No.

24 Q Did you ask him what he was planning to do?

25 A No.

1 Q Were you concerned -- well, he was hauling a  
2 load back to Laredo.

3 A Yeah.

4 Q Did you ask him what he was going to do to about  
5 the load?

6 A I told him that I was going to send my driver to  
7 go pick up the load.

8 Q And who was your driver?

9 A Eddie.

10 Q Did you understand at the time that Eddie was  
11 also headed back to Texas?

12 A Yes.

13 Q So your plan was for Eddie to go back to Texas  
14 and then go back to Virginia?

15 A Yes, that's why he picked up Roy to help him  
16 drive down to Texas.

17 Q And did you guys discuss any plan for what to do  
18 with the broken down tractor?

19 A No, ma'am. That was his call, it was his truck.

20 Q Do you know -- so they're driving back to Texas  
21 in Eddie's truck?

22 A Yes.

23 Q And did they deliver the load?

24 A Yes.

25 Q Do you know where they delivered that to?

1           A     I think it was the same load as this one going  
2     to Laredo.

3           Q     Do you know where in Laredo?

4           A     Not off the top of my head.

5           Q     Did -- was it just one phone call that you had  
6     with him on his way back to Virginia?

7           A     Yes, ma'am.

8           Q     When was the next time you spoke to him?

9           A     I spoke with him on the way down coming to  
10    Texas, not going to Virginia.

11          Q     Yeah. Just one time?

12          A     Yes.

13          Q     When was the next time you talked to him?

14          A     Like two -- two, three days after the accident.

15          Q     So you didn't talk to him at all for two or  
16    three days after he told you that his truck was broken  
17    down?

18          A     No. I was on vacation. I told him I didn't  
19    want to be bothered.

20          Q     Do you know what Roy's cell phone number is?

21          A     Not off the top of my head.

22          Q     Do you have that recorded somewhere?

23          A     My phone.

24          Q     Do you have your phone with you?

25          A     Yes.

1 Q Can you look it up?

2 A (956)999-6537.

3 Q Did you suggest to Roy that he get Israel to  
4 help him out?

5 A No, he called me. Asked me for his number.  
6 That's about it.

7 Q Was that the same phone call or a separate phone  
8 call?

9 A I don't remember. I think it was the same  
10 phone call.

11 Q Why was he asking for Israel's number?

12 A I didn't even ask him.

13 Q And you gave him Israel's number?

14 A Yes.

15 Q Did you ever call Israel?

16 A No.

17 Q You never spoke to Israel about making a trip to  
18 Virginia to help out Roy?

19 A No, ma'am.

20 Q When did you become aware that Israel had gone  
21 to Virginia to help out Roy?

22 A After two, three days after the accident.

23 Q Did you have any conversation with Roy about  
24 borrowing Sergio Cuellar's truck?

25 A No, ma'am.

1 Q Did you have any conversation with Sergio about  
2 borrowing his truck?

3 A No, ma'am.

4 Q When did you become aware that Roy had borrowed  
5 Sergio's truck?

6 A When they called me two, three days after the  
7 accident.

8 Q Where were they when they called you?

9 A I didn't ask where they were at. He just told  
10 me about the accident.

11 MR. DUNN: I'm going to object to the form  
12 of the question. He said they.

13 MS. WHITE: Yeah, sorry.

14 Q (By Ms. White) Roy, it was Roy that called you  
15 two to three days after the accident?

16 A Yes.

17 Q Do you know where he was when he called you?

18 A No, ma'am.

19 Q What did he tell you?

20 A That Israel got into an accident, that's what  
21 all he told me.

22 Q Anything else?

23 A No, ma'am.

24 Q Did you ask him any questions?

25 A I asked him if my truck was involved, he said

1 no. That's about it.

2 Q Did you check in with Eddie at all during that  
3 two, three day period?

4 A No, ma'am.

5 Q Did you have -- so you didn't contact Eddie to  
6 check to see if he was going to pick up that load?

7 A No, ma'am.

8 Q Did you -- how did you think Eddie was going to  
9 get back from Virginia?

10 A I thought Roy was going to drive back with him,  
11 or something.

12 MR. FRANKL: I'm sorry, what did you say?

13 THE WITNESS: I thought Roy was going to  
14 drive back with him.

15 Q (By Ms. White) And why did you think that?

16 A Because I needed that load delivered. That's  
17 all I told him when I hanged up with him, I told him, I  
18 need you to go back and unload the trailer, and that's it.

19 Q Did Roy know Israel?

20 A I don't know.

21 Q Well, how did he know to ask for his phone  
22 number?

23 A Probably met him once or twice there, I don't  
24 know.

25 Q Through his work at Salinas Express?

1 A Yes.

2 Q They weren't friends outside of work?

3 A Not that I know of.

4 Q Have you ever talked to Israel about how the  
5 accident happened?

6 A No, ma'am.

7 Q Have you ever talked to Roy about how the  
8 accident happened?

9 A No, ma'am.

10 Q Have you ever talked to Eddie about how the  
11 accident happened?

12 A No, ma'am.

13 Q Have you ever talked -- do you know Art  
14 Gutierrez?

15 A Yes.

16 Q Who is Art?

17 A My cousin.

18 Q Did you ever talk to him about making the trip  
19 up to Virginia?

20 A No, ma'am.

21 Q Did you suggest to Roy that he contact Art?

22 A No, ma'am.

23 Q Have you ever talked to Art Gutierrez about how  
24 the accident happened?

25 A No, ma'am.



1 Q Were you aware that Israel was charged with  
2 reckless driving as a result of the accident?

3 A No, ma'am.

4 Q Were you aware that Israel was driving the SMC  
5 tractor when the accident happened?

6 A Yes, ma'am.

7 MR. DUNN: I'm going to object to the form  
8 of the question. Aware at what point in time?

9 Q (By Ms. White) When the actual impact happened?

10 A I found out two, three days later.

11 MS. WHITE: Oh, when. I get it.

12 Q (By Ms. White) Before January 2016, had you  
13 become aware that Israel was driving the SMC tractor when  
14 the accident happened?

15 A Yes.

16 Q Did you think to pull his driving record again?

17 A No, ma'am.

18 Q Did you think to ask him whether he had been  
19 charged with anything?

20 A I asked him but he told me he didn't get charged  
21 with nothing.

22 Q Did you ask Roy whether Israel had been charged  
23 with anything?

24 A No.

25 Q Have you ever talked to Sergio Cuellar about the

1 accident?

2 A No, ma'am.

3 Q Have you ever talked to Sergio Cuellar about the  
4 insurance on the SMC tractor?

5 A No, ma'am.

6 Q Ultimately, the trip that Roy and Eddie and  
7 Israel and Art took up to Virginia allowed Salinas Express  
8 to fulfill its contract to deliver the load?

9 A Yes, ma'am.

10 Q I just want to be clear. Salinas Express has no  
11 knowledge of how the accident happened?

12 A No, ma'am.

13 Q I just want to be clear. Salinas Express has  
14 never inquired of anyone about how the accident happened?

15 A No, ma'am.

16 Q Why or why not?

17 A Because I didn't have to do an insurance claim.  
18 My truck didn't get damaged, so I didn't get no  
19 information.

20 Q Do you know when you became aware that a lawsuit  
21 had been filed in this case?

22 A I don't know the exact date.

23 Q After receiving a copy of the lawsuit did you  
24 make any inquiry?

25 A I just asked around, same story, everybody had

1 different stories.

2 Q I feel you.

3 So who did you talk to -- well, what  
4 different stories have you heard?

5 MR. FRANKL: I'm going to object to that  
6 because it gets into the attorney/client privilege and  
7 I've been providing him documents about all of the stories  
8 and all of my investigation and information he has in that  
9 regard is protected.

10 Q (By Ms. White) Before you ever talked to counsel  
11 in this case, did you undertake, did Salinas Express  
12 undertake any investigation?

13 A No, ma'am.

14 MR. FRANKL: Just to be clear for the  
15 record, when you indicated you were aware of all the  
16 different stories, was that based on communication with  
17 counsel?

18 THE WITNESS: Yes, sir.

19 Q (By Ms. White) And why did you not undertake any  
20 investigation?

21 MR. FRANKL: Asked and answered.

22 Q After you received a copy of the lawsuit but  
23 before you talked to counsel.

24 A I mean, everything was -- I don't know. I don't  
25 know why I didn't ask.